

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

§ 282. Repealed. Pub. L. 100-418, title V, § 5113, Aug. 23, 1988, 102 Stat. 1432

Section, act May 14, 1930, ch. 275, §1, 46 Stat. 327, related to establishment and purpose of a national hydraulic laboratory and studies of Federal and State projects related thereto.

§ 282a. Assessment of emerging technologies requiring research in metrology

The Board of Assessment of the National Institute of Standards and Technology shall include, as part of its annual review, an assessment of emerging technologies which are expected to require research in metrology to keep the Institute abreast of its mission, including process and quality control, engineering databases, advanced materials, electronics and fiber optics, bioprocess engineering, and advanced computing concepts. Such review shall include estimates of the cost of the required effort, required staffing levels, appropriate interaction with industry, including technology transfer, and the period over which the research will be required.

(Pub. L. 100-418, title V, §5163(a), Aug. 23, 1988, 102 Stat. 1450.)

CODIFICATION

Section is comprised of section 5163(a) of Pub. L. 100-418. Section 5163(b)–(d) of Pub. L. 100-418 enacted provisions set out as a note under section 272 of this title, amended section 3710 of this title, and enacted section 1533 of this title, respectively.

Section was not enacted as part of the National Institute of Standards and Technology Act which comprises this chapter.

PRIOR PROVISIONS

A prior section 282a, Pub. L. 99-574, §7, Oct. 28, 1986, 100 Stat. 3237, consisted of provisions substantially identical to this section.

§ 283. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655, 656

Section, acts July 20, 1949, ch. 354, title III, §301, 63 Stat. 468; Sept. 6, 1950, ch. 896, ch. III, title III, §301, 64 Stat. 628, related to appointment of personnel observing radio propagation phenomena in Arctic Region.

§ 284. Omitted

CODIFICATION

Section, acts Oct. 22, 1951, ch. 533, title III, §301, 65 Stat. 593; Sept. 6, 1950, ch. 896, ch. III, title III, §301, 64 Stat. 628; July 20, 1949, ch. 354, title III, §301, 63 Stat. 468, which related to transfer of materials, etc., to Bureau of ionosphere observation by Departments of the Army, Navy, and Air Force, was from the Department of Commerce Appropriation Act, 1952, and has not been repeated in subsequent appropriation acts.

§§ 285, 286. Repealed. Pub. L. 85-890, §3, Sept. 2, 1958, 72 Stat. 1712

Section 285, act July 21, 1950, ch. 485, §1, 64 Stat. 370, related to functions and activities of National Bureau of Standards for which funds should be available. See section 278e of this title.

Section 286, act July 21, 1950, ch. 485, §2, 64 Stat. 371, related to construction and improvement of buildings and facilities. See section 278d of this title.

CHAPTER 7A—STANDARD REFERENCE DATA PROGRAM

Sec.	
290.	Congressional declaration of policy.
290a.	Definitions.
290b.	Collection, compilation, critical evaluation, publication and dissemination of standard reference data.
290c.	Standards, criteria, and procedures for preparation and publication of standard reference data; publication in Federal Register.
290d.	Sale of standard reference data; cost recovery; proceeds subject to National Institute of Standards and Technology.
290e.	United States copyright and renewal rights.
290f.	Authorization of appropriations.

§ 290. Congressional declaration of policy

The Congress hereby finds and declares that reliable standardized scientific and technical reference data are of vital importance to the progress of the Nation's science and technology. It is therefore the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. It is the purpose of this chapter to strengthen and enhance this policy.

(Pub. L. 90-396, §1, July 11, 1968, 82 Stat. 339.)

SHORT TITLE

Section 8 of Pub. L. 90-396 provided that: “This Act [enacting this chapter] may be cited as the ‘Standard Reference Data Act’.”

§ 290a. Definitions

For the purposes of this chapter—

(a) The term “standard reference data” means quantitative information, related to a measurable physical or chemical property of a substance or system of substances of known composition and structure, which is critically evaluated as to its reliability under section 290b of title.

(b) The term “Secretary” means the Secretary of Commerce.

(Pub. L. 90-396, §2, July 11, 1968, 82 Stat. 340.)

§ 290b. Collection, compilation, critical evaluation, publication and dissemination of standard reference data

The Secretary is authorized and directed to provide or arrange for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data. In carrying out this program, the Secretary shall, to the maximum extent practicable, utilize the reference data services and facilities of other agencies and instrumentalities of the Federal Government and of State and local governments, persons, firms, institutions, and associations, with their consent and in such a manner as to avoid duplication of those services and facilities. All agencies and instrumentalities of the Federal Government are encouraged to exercise their duties and functions in such manner as will assist in carrying out the purpose of this chapter. This section shall be deemed complementary to existing authority, and nothing herein is intended to repeal, supersede, or diminish existing authority or responsibility of any

agency or instrumentality of the Federal Government.

(Pub. L. 90-396, § 3, July 11, 1968, 82 Stat. 340.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290a of this title.

§ 290c. Standards, criteria, and procedures for preparation and publication of standard reference data; publication in Federal Register

To provide for more effective integration and coordination of standard reference data activities, the Secretary, in consultation with other interested Federal agencies, shall prescribe and publish in the Federal Register such standards, criteria, and procedures for the preparation and publication of standard reference data as may be necessary to carry out the provisions of this chapter.

(Pub. L. 90-396, § 4, July 11, 1968, 82 Stat. 340.)

§ 290d. Sale of standard reference data; cost recovery; proceeds subject to National Institute of Standards and Technology

Standard reference data conforming to standards established by the Secretary may be made available and sold by the Secretary or by a person or agency designated by him. To the extent practicable and appropriate, the prices established for such data may reflect the cost of collection, compilation, evaluation, publication, and dissemination of the data, including administrative expenses; and the amounts received shall be subject to the Act of March 3, 1901, as amended [15 U.S.C. 271 et seq.].

(Pub. L. 90-396, § 5, July 11, 1968, 82 Stat. 340.)

REFERENCES IN TEXT

Act of March 3, 1901, as amended, referred to in text, means act Mar. 3, 1901, ch. 872, 31 Stat. 1449, as amended, which is classified generally to chapter 7 (§ 271 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

§ 290e. United States copyright and renewal rights

(a) Notwithstanding the limitations under section 105 of title 17, the Secretary may secure copyright and renewal thereof on behalf of the United States as author or proprietor in all or any part of any standard reference data which he prepares or makes available under this chapter, and may authorize the reproduction and publication thereof by others.

(b) The publication or republication by the Government under this chapter, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such material without the consent of the copyright proprietor.

(Pub. L. 90-396, § 6, July 11, 1968, 82 Stat. 340; Pub. L. 94-553, § 105(f), Oct. 19, 1976, 90 Stat. 2599; Pub. L. 107-273, div. C, title III, § 13211(b), Nov. 2, 2002, 116 Stat. 1910.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273, § 13211(b)(2), substituted “Notwithstanding the limitations under sec-

tion 105 of title 17,” for “Notwithstanding the limitations contained in section 105 of title 17.”.

Pub. L. 107-273, § 13211(b)(1), made technical amendment to directory language of Pub. L. 94-553. See 1976 Amendment note below.

1976—Subsec. (a). Pub. L. 94-553, as amended by Pub. L. 107-273, § 13211(b)(1), substituted “section 105 of title 17” for “section 8 of title 17”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

§ 290f. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter, \$1.86 million for the fiscal year ending June 30, 1969. Notwithstanding the provisions of any other law, no appropriations for any fiscal year may be made for the purpose of this chapter after fiscal year 1969 unless previously authorized by legislation hereafter enacted by the Congress.

(Pub. L. 90-396, § 7, July 11, 1968, 82 Stat. 340.)

CHAPTER 8—FALSELY STAMPED GOLD OR SILVER OR GOODS MANUFACTURED THEREFROM

Sec.

- 291. Stamping with words “United States assay”, etc., unlawful.
- 292. Forfeiture.
- 293. Penalty for infraction.
- 294. Importation or transportation of falsely marked gold or silver ware prohibited.
- 295. Standard of fineness of gold articles; deviation.
- 296. Standard of fineness of silver articles; deviation.
- 297. Stamping plated articles.
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- 298. Violations of law.
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 - (b) Suits by competitors, customers, or subsequent purchasers for injunctive relief; damages and costs.
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§ 291. Stamping with words “United States assay”, etc., unlawful

It shall be unlawful for any person, partnership, association, or corporation engaged in commerce among the several States, Territories, District of Columbia, and possessions of the United States, or with any foreign country, to stamp any gold, silver, or goods manufactured therefrom, and which are intended and used in such commerce, with the words “United States assay”, or with any words, phrases, or devices calculated to convey the impression that the United States Government has certified to the fineness or quality of such gold or silver, or of the gold or silver contained in any of the goods manufactured therefrom. Each and every such stamp shall constitute a separate offense.

(Feb. 21, 1905, ch. 720, § 1, 33 Stat. 732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 292, 293 of this title.

§ 292. Forfeiture

Any gold, silver, or goods manufactured therefrom after February 21, 1905, bearing any of the stamps, words, phrases, or devices prohibited to be used under section 291 of this title, and being in the course of transportation from one State to another, or to or from a Territory, the District of Columbia, or possessions of the United States, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

(Feb. 21, 1905, ch. 720, § 3, 33 Stat. 732.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 293 of this title.

§ 293. Penalty for infraction

Every person, partnership, association, or corporation violating the provisions of sections 291 to 293 of this title, and every officer, director, or managing agent of such partnership, association, or corporation having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished with a fine of not more than \$5,000 or imprisonment for not more than one year, or both, at the discretion of the court.

(Feb. 21, 1905, ch. 720, § 2, 33 Stat. 732.)

§ 294. Importation or transportation of falsely marked gold or silver ware prohibited

It shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after June 13, 1907, and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended

to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections 295 and 296 of this title.

(June 13, 1906, ch. 3289, § 1, 34 Stat. 260.)

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-450, § 1, Oct. 1, 1976, 90 Stat. 1501, provided: "That this Act [amending section 295 of this title and enacting provisions set out as a note under section 295 of this title] may be cited as the 'Gold Labeling Act of 1976'."

SHORT TITLE

Act June 13, 1906, ch. 3289, which enacted this section and sections 295 to 300 of this title, is popularly known as the "Jewelers' Liability Act (Gold and Silver Articles)" and also as the "National Gold and Silver Stamping Act of 1906".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 295, 296, 297, 298, 299, 300 of this title.

§ 295. Standard of fineness of gold articles; deviation

In the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in section 294 of this title, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: *Provided further*, That, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in an article mentioned in this section, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than three one-thousandth parts, in the case of a watchcase or flatware, or than seven one-thousandth parts, in the case of any other such article, than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

(June 13, 1906, ch. 3289, §2, 34 Stat. 260; Pub. L. 94-450, §2, Oct. 1, 1976, 90 Stat. 1501.)

AMENDMENTS

1976—Pub. L. 94-450 substituted “three one-thousandth parts” for “one-half of one carat”, “in an article mentioned in this section” for “in such article”, “than three one-thousandth parts, in the case of a watchcase or flatware, or than seven one-thousandth parts, in the case of any other such article,” for “than one carat”, struck out “in the case of any article mentioned in this section” which followed “*Provided, further, That*”, and exception which permitted the actual fineness of gold or its alloys used for watchcases and flatware to be not less by more than three one-thousandth parts the fineness indicated by stamp or label.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 3 of Pub. L. 94-450 provided that: “The amendments made by section 2 of this Act [amending this section] shall take effect five years after the date of enactment of this Act [Oct. 1, 1976] and shall not apply with respect to any article of merchandise which is sold by any manufacturer or importer before the effective date of such amendments.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 294, 298, 299, 300 of this title.

§ 296. Standard of fineness of silver articles; deviation

In the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in section 294 of this title, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word “sterling” or the word “coin”) stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word “sterling” or “sterling silver” or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words “coin” or “coin silver” or colorable imitation thereof unless such article or parts thereof purporting to be silver contains nine hundred one-thousandth parts pure silver: *Provided*, That in the case of all such articles whose fineness is indicated by the word “sterling” or the word “coin” there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: *Provided*, That in any test for the ascertainment of the fineness of any such article mentioned in this section according to the foregoing stand-

ards the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than ten one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative.

(June 13, 1906, ch. 3289, §3, 34 Stat. 261.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 294, 298, 299, 300 of this title.

§ 297. Stamping plated articles

(a) Words “sterling” or “coin” forbidden

In the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in section 294 of this title, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is encased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words, plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word “sterling” or the word “coin”, either alone or in conjunction with other words or marks.

(b) Identifying trademark

Whenever any person, firm, corporation, or association, being a manufacturer or dealer subject to section 294 of this title—

(1) applies or causes to be applied to any article of merchandise intended for sale or cus-

tomarily sold as a complete product to consumers in any State, by stamping, branding, engraving, or otherwise, any quality mark or stamp indicating or purporting to indicate that such article is made in whole or in part of gold or silver or of an alloy of either such metal; or

(2) imports into any State any such article of merchandise bearing any such quality mark or stamp which indicates or purports to indicate that such article is made in whole or in part of gold or silver or of an alloy of either such metal,

such person, firm, corporation, or association, before depositing any such article manufactured or imported after six months after the effective date of this Act in the United States mails, or causing such article to be so deposited, for transmission thereby, or delivering such article or causing such article to be delivered to any common carrier for transportation from one State to any other State, or transporting such article or causing such article to be transported from one State to any other State, shall—

(A) Apply or cause to be applied to that article a trademark of such persons, which has been duly registered or applied for registration under the laws of the United States within thirty days after an article bearing the trademark is placed in commerce or imported into the United States, or the name of such person; and

(B) if such article of merchandise is composed of two or more parts which are complete in themselves but which are not identical in quality, and any one of such parts bears such a quality mark or stamp, apply or cause to be applied to each other part of that article of merchandise a quality mark or stamp of like pattern and size disclosing the quality of that other part.

Each identifying trademark or name applied to any article of merchandise in compliance with clause (A) of this subsection shall be applied to that article by the same means as that used in applying the quality mark or stamp appearing thereon, in type or lettering at least as large as that used in such quality mark or stamp, and in a position as close as possible to that quality mark or stamp. For the purposes of this subsection, the term "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(June 13, 1906, ch. 3289, §4, 34 Stat. 261; Pub. L. 87-354, §1, Oct. 4, 1961, 75 Stat. 775; Pub. L. 91-366, §1(e), July 31, 1970, 84 Stat. 691.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (b), as the first day of the third month beginning after Oct. 4, 1961, see Effective Date of 1961 Amendment note set out under this section.

AMENDMENTS

1970—Subsec. (b). Pub. L. 91-366 struck out reference to the trademark of a firm, corporation or association in cl. (A).

1961—Pub. L. 87-354 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1970 AMENDMENT

Section 4 of Pub. L. 91-366 provided that: "This Act [amending this section and sections 298 and 299 of this title and enacting provisions set out below] shall take effect three months after enactment [July 31, 1970]."

EFFECTIVE DATE OF 1961 AMENDMENT

Section 2 of Pub. L. 87-354 provided that: "The amendments made by this Act [amending this section] shall take effect on the first day of the third month beginning after the date of enactment of this Act [Oct. 4, 1961]."

SEPARABILITY

Section 2 of Pub. L. 91-366 provided that: "If any provision of this Act [see Effective Date of 1970 Amendment note above] or any amendment made thereby, or the application thereof to any person, as that term is herein defined, is held invalid, the remainder of the Act or amendment and the application of the remaining provisions of the Act or amendment to any person shall not be affected thereby."

CONSTRUCTION OF 1970 AMENDMENT

Section 3 of Pub. L. 91-366 provided that: "The provisions of this Act [see Effective Date of 1970 Amendment note above] and amendments made thereby shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 298, 299, 300 of this title.

§ 298. Violations of law

(a) Criminal prosecutions; penalties; jurisdiction

Each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of sections 294 to 300 of this title, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished by a fine of not more than \$500 or imprisonment for not more than three months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

(b) Suits by competitors, customers, or subsequent purchasers for injunctive relief; damages and costs

Any competitor, customer, or competitor of a customer of any person in violation of section 294, 295, 296, or 297 of this title, or any subsequent purchaser of an article of merchandise which has been the subject of a violation of section 294, 295, 296, or 297 of this title, shall be en-

titled to injunctive relief restraining further violation of sections 294 to 300 of this title and may sue therefor in any district court of the United States in the district in which the defendant resides or has an agent, without respect to the amount in controversy, and shall recover damages and the cost of suit, including a reasonable attorney's fee.

(c) Suits by jewelry trade associations for injunctive relief; damages and costs

Any duly organized and existing jewelry trade association shall be entitled to injunctive relief restraining any person in violation of section 294, 295, 296, or 297 of this title from further violation of sections 294 to 300 of this title and may sue therefor as the real party in interest in any district court of the United States in the district in which the defendant resides or has an agent, without respect to the amount in controversy, and if successful shall recover the cost of suit, including a reasonable attorney's fee. If the court determines that the action has been brought frivolously, for purposes of harassment, or in implementation of any scheme in restraint of trade, it may award punitive damages to the defendant.

(d) Award of costs to defendant

Any defendant against whom a civil action is brought under the provisions of sections 294 to 300 of this title shall be entitled to recover the cost of defending the suit, including a reasonable attorney's fee, in the event such action is terminated without a finding by the court that such defendant is or has been in violation of sections 294 to 300 of this title.

(e) Jurisdiction of civil actions

The district courts shall have exclusive original jurisdiction of any civil action arising under the provisions of sections 294 to 300 of this title.

(June 13, 1906, ch. 3289, §5, 34 Stat. 262; Pub. L. 91-366, §1(a), (b), July 31, 1970, 84 Stat. 690.)

AMENDMENTS

1970—Pub. L. 91-366 designated existing provisions as subsec. (a) and added subsecs. (b) to (e).

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-366 effective three months after July 31, 1970, see section 4 of Pub. L. 91-366, set out as a note under section 297 of this title.

SEPARABILITY

For separability provision of Pub. L. 91-366, see section 2 of Pub. L. 91-366, set out as a note under section 297 of this title.

CONSTRUCTION OF 1970 AMENDMENT

Amendment by Pub. L. 91-366 to be held to be in addition to and not in substitution for or limitation of the provisions of any other Act of the United States, see section 3 of Pub. L. 91-366, set out as a note under section 297 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 299, 300 of this title.

§ 299. Definitions

(a) The expression “article of merchandise” as used in sections 294 to 300 of this title shall sig-

nify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale.

(b) The term “person” means an individual, partnership, corporation, or any other form of business enterprise, capable of being in violation of sections 294 to 300 of this title.

(c) The term “jewelry trade association” means an organization, consisting primarily of persons actively engaged in the jewelry or a related business, the purposes and activities of which are primarily directed to the improvement of business conditions in the jewelry or related businesses.

(June 13, 1906, ch. 3289, §6, 34 Stat. 262; Pub. L. 91-366, §1(c), (d), July 31, 1970, 84 Stat. 690.)

AMENDMENTS

1970—Pub. L. 91-366 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1970 AMENDMENTS

Amendment by Pub. L. 91-366 effective three months after July 31, 1970, see section 4 of Pub. L. 91-366, set out as a note under section 297 of this title.

SEPARABILITY

For separability provision of Pub. L. 91-366, see section 2 of Pub. L. 91-366, set out as a note under section 297 of this title.

CONSTRUCTION OF 1970 AMENDMENT

Amendment by Pub. L. 91-366 to be held to be in addition to and not in substitution for or limitation of the provisions of any other Act of the United States, see section 3 of Pub. L. 91-366, set out as a note under section 297 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 298, 300 of this title.

§ 300. Application of State laws

All articles of merchandise to which sections 294 to 300 of this title apply which shall have been transported into any State, Territory, District, or possession of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though such articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

(June 13, 1906, ch. 3289, §7, 34 Stat. 262.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 298, 299 of this title.

CHAPTER 9—NATIONAL WEATHER SERVICE

Sec.	
311.	Omitted.
312.	Employees.
313.	Duties of Secretary of Commerce.
313a.	Establishment of meteorological observation stations in the Arctic region.
313b.	Institute for Aviation Weather Prediction.